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# V I E W O F GOVERNMENT I N E U R O P E, And Civil Policy :

Also of the  
Antiquity, Power and Decay

O F  
**Parliaments.**

W I T H  
Other Historical and Political Ob-  
servations relating thereunto.

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By T. R. Esq;

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*Dimidium plus toto.*

— *Medium non deserit unquam*  
*cali Phœbus iter, radiis tamen omnia induit. Clod.*

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**SIR,**

S I R,



EE the effect of your commands. The want of time, of Books, and assistance in this my retirement, make me very incapable of the undertaking. But my obedience and performance with a Kid, will I hope be accepted, when I cannot sacrifice an hundred Bulls.

Without farther Ceremony or Introduction, according to my apprehension, when we enquire into the Authority and Nature of Parliaments, our thoughts should be raised above all prejudice and particularities; we should not conceive of them, as of some Creature form'd and nourisht under this or that Constitution, but have a Notion as large and general, as is that of Government or Civil Society.

B

We

We must not be confin'd to the Writers of this or that Age, or Countrey ; but consult the Universal reason and sense of humane kind , where Civil Government has been exercised.

Much less is any particular profession or Faction of Writers , to be the only Authors of Credit with us , in this enquiry.

Our knowledge must be something digested ; and an impartial result from a consideration of all as well Times and Countries, as Writers and Customs.

The Civilians, with their *Bartolus* and *Baldus* , are not to dictate to us on this occasion. These were bred out of the corruption of the *Roman* liberty ; and were instruments of servitude from the beginning. Their work was by hook and crook, to rap and bring all under the Emperours power ; that was their study, that their Province. But they were always ignorant of the practises of better times , and utter strangers to the just Rights of a Free-people ; their Rules and their Maxims were, in effect, no other, than so many stripes, so many marks,

marks and items of Slavery to the Subjects.

Then, for the Municipal Lawyers of every Nation, they also are educated under too narrow a dispensation to think justly in these matters.

The Letter is their sphere where they show their activity, even, sometimes, to the perverting and turning it against the reason and intentions of the Legislator.

Their small niceties, and their subtleties, and their inferences, are too fine drawn to bear or support a matter of this weight and circumference.

Their Deductions and Argumentations must ever be taken with some grains of allowance; the cause here requires other forms and considerations. We are not to stick at the Letter, but go to the foundation, to the inside and essence of things.

By their acquaintance with the Customs and Laws, they may aid and direct, but not over-rule; they may apply their Observations to strengthen the Fundamental Reason, but are not to perplex and subvert the Form of Government.

My Lord *Cook* tells us, Parliament is derived from *Parler le ment*, i. e. from speaking the mind. He might as honestly have taught us that firmament is *firma mentis*, a farm for the mind; or fundament, the bottom of the mind.

My Lord *Cook*, how sage soever otherwise, in Parliament-house is no more Authority than *Thomas Aquinas*.

And take him from his ordinary Element, his Reasons are many times as ridiculous as his Etymologies.

Then for the Holy Scripture; the design of it is no more to teach us Politicks, than to make us Philosophers.

*Abaz's Dial* is no President for our time or measures; nor may the *Theocracy* of the Jews authorize us to set up for King Jesus.

Our blessed Saviour did not distinguish whether *Cæsar* demanded Tribute, as Tribune and Servant of the people; and whether the *Roman* Empire remained still Democratical, (as *Cæsar* pretended) or was Monarchical, as, in effect, it prov'd.

The Holy Ghost neither alter'd the  
com-

complexion, nor refin'd the education ; but a shepherd, notwithstanding the Oracles he delivered, continued the same in other circumstances, as if he never had been inspir'd.

In like manner, where-ever Christ is Preached, the Soul-saving Doctrine in no wise operates upon the policy or civil Constitutions ; but leaves those affairs to be influenc'd by the ordinary prudence and discretion.

Whether it be some particular generosity in our Nature, that renders us impatient of slavery : or whether the temperateness of the Climate inclines us to a moderation in our Government : Or whether it may be some favourable aspect of the Planets, (as *Ptolomy* would perswade us) that disposes *Europe* to the love of Liberty.

So far as any Record or History can inform us, That Arbitrary and unlimited domination, so familiar in the Eastern parts of the world, amongst us did always shew uncouth, and to be stared upon no less than their Elephants. And indeed to us seem altogether in-

6 *A general Draught or Prospect*  
consistent with a civil people.

And it can be no more the business of the Gospel to reconcile us to that yoak, than it is to Emasculate our complexion and nature, to change the temper of our Climate, or to turn our Stars from their Course.

All power is from God, and we are to be subject to the higher powers; this all consent to; this is Doctrine alike true in *Holland*, as in *France*, at *Venice*, as at *Constantinople*.

But where this high power and Sovereignty rests, in whom 'tis lodged, this is a point not so obvious: Nor can the S. S. or holy Fathers any way help us in the discovery.

The Customs and particular Laws of every Nation, are only capable to direct us in that scrutiny.

Obedience is as much a duty, and Rebellion as black a sin where the people are King, as where a single person has the Sovereign sway.

The Title of King, Monarch, or Emperour, the Scepter, the Crown, the Royal Throne, with all the Robes and pomps,

pomps and badges of Soveraignty, and the precedence before other Christian Kings, have the shadow of Majesty, but have none of the substance, as *Bodin* truly observes.

The *Cæsars* were never so absolute, as when the Senate had the shew, and the name of all. But afterwards when their power declin'd, then did their shadows lengthen, and the Titles swell beyond all sobriety and proportion.

The French Parliaments in their Scarlet Robes, know none of that Sovereign power which their plain Ancestors so long had exercised in their grey jackets.

The Pontificalibus and Formality, derogates from the antiquity and independency. And our House of Commons may seem in a manner, (if I may so say) to have committed some kind of Solecism, in taking a Mace to be carried before them, but that their simplicity and plainness otherwise sufficiently demonstrates them the true, sincere, original, fundamental, common Councel, constituted and form'd before Forms and

Pageantries and Fopperies obtain'd in our English world.

For badge and ornament they had *Jupiter's Scepter*; which *Plato* interprets to be, not a tipt Batoon, or glittering engraven thing, but the Laws and Legislative power.

*Homer* has taught the world to call Kings Pastors of the people. We commit not the charge of our Cattle to any one of the Herd, nor for our sheep do we choose one out of the flock to be their shepherd; but set over them a more excellent sort of Animal, some Man is appointed for the Neatherd, and for the Shepherd, to govern and take the charge of them.

Now since for the conduct and sway over men, the world is not furnish'd with any species more noble than Man, Art supplies what wanted in Nature; an artificial man is fram'd, a politick creature, a King that never dyes, that can do no wrong, that cannot be deceived, whose Counsels and Determinations are the result of the joyn't experience and wisdom of a whole Nation.

Now

Now whether this artificial, may be call'd a mixt sort of Government, as the antients imagin'd. Or that it be originally, essentially, and fundamentally a Democracy Monarchical in the administration, as *Bodin* and our Modern Politicians seem to understand. This certainly is the Government that always has obtain'd in *Europe*; and that which all, amidst their Commotions, Distractions, and Convulsions, in some manner or other, with more or less success and perfection, have tended to, as the center, and onely place of rest.

If therefore the Jews had desired a King after the manner of the *Europeans*, their importunity peradventure might not have been so provoking to the Almighty. And we should have found another kind of Catalogue of their fair qualities, than that delivered us by the Prophet. For however their *Asian* or *African* Neighbours might have domineer'd it, and bluster'd; a calmer gale was always wont to breath amongst us in *Europe*; And, God be thankt, we are many degrees Northern Latitude from

10. *A general Draught or Prospect*  
from Og the King of *Bashan*, and the  
Lands of those other Gyants, *Amalekites*,  
and *Philistines*.

The first Writers amongst us had their imaginations so over-born with the excellency of Kingly Government, that they fancied in Heaven *Jupiter* to be the King of the Gods. And yet they thought the Common Council so necessary and essential, that *Homer* represents even *Jupiter*, upon a great occasion, calling his θεῶν ἀγορὰν, his Parliament of the Gods.

Ζεὺς δὲ θεῶν ἀγορὰν παλαιότερον τετραγύριζεν.

Ἄρχοντας κορυφῆς πολιούχοις εἶλον μετέβησαν.

I have heard Divines observe something of this kind, as figured of God Almighty from those words, *Let us make Man*. Those words in the plural number to them seemed to import, as if God summon'd a Parliament of the Trinity, to consult upon that arduous affair.

Our Christian Poets have taken the same liberty, and fancied this, as an Image of Greatness, where could be no

accession to the wisdom and omnipotence.

But again, *Homer* (whom *Plato* in his Book of Laws, mentions as a Prophet, and one who reveals those things concerning Government, by inspiration, which are not by humane knowledge to be attain'd) to shew the utmost inhumanity and barbarity of the *Cyclopes* and their Government, tells us, *They neither held Parliaments for Counsel, nor had right.*

Τοιούτην οὖτ' αἰγαίοις βεληνόεσσι, οὐδὲ θυματεῖ.

He joyns Parliament and right, as of late days *Guicciardine* does Parliament and Liberty; as if Parliament, Right, and Liberty, were to stand and fall together.

And indeed amongst the Greeks, how many persons, excellent otherwise, have been branded for Tyrants and Monsters, and made odious to all posterity, because they affected a more singular and unbounded power than was consistent with the Customs and Constitutions of their Country?

Nor

Nor was this Policy less known or practiz'd by the Latines. None of the antient Kings of *Italy* or *Rome* exercis'd other Government than by Parliament, till *Tarquin* the Proud with much Stratagem and Artifice attempted a new way. But how fatal did he find that innovation?

Afterwards that the *Cæsars* usurped the Empire, when their power was the highest, they affected to have all done in the name of the people and Senate. *Neque tam parvum quicquam, neque tam magnum publici privatique negotii, de quo non ad Patres Conscriptos referrebatur.*

And notwithstanding the antient Liberty and Government was so run down, yet on some occasions, the authority of the Senate would be exerting itself.

They declared *Nero* an Enemy of the State, and their Sentence had its effect.

Nor could (the delight of humane kind) *Titus*, though so far engaged in love and honour, stem the authority of the Senate, in favour of his dear *Berenice*; but was forced to dismiss her, because they forbad the Banes.

And

And in effect, the power of the Senate once gone, that of the Emperors signified little; the giddy Souldiers broke all Rules and Measures. They mutinied, and made and unmade Emperours, where, and when, and whom they had a mind to. So that the Emperour was onely Tenant at will to the Army.

Our Botchers of History, shew a jolly Succession of Monarchs on their file for *Britain* in those days. But *Cæsars* Commentaries are of much better Credit, who represents the Government of *Gaul* and *Britain*, as muchwhat the saime in his time; says he of *Britain*, *Summa Imperii bellique administrandi Communi Consilio permissa est Cassivellano*, &c. The chief Command and Conduct of the War, was by the Common Council committed to *Cassivellaun*. Compare these words with what he writes of the *Gauls*, l. 7. *Re in Controversiam deductâ totius Galliæ Consilium Bibrae indicitur, eodem convenienti undique frequentes multitudines, suffragiis res permittitur, ad unum omnes Vercengentorigem probant Imperatorem.*

rem. Here the Counsel of all *Gaul*, by reason of the War, put it to the Vote who shall be their General; and it was carried with a *nemine contradicente* for *Vercengentorix*.

And 'tis beyond dispute, that their Government continued the same in the times of which *Dion Cassius* and *Tacitus* write.

Nor is their uniformity so strange, considering the Authority of the *Druyds*, and their correspondence in both Nations.

When the *English* and *French* came from *Germany* to people *Britain* and *Gaul*, the *German* Liberty and moderate sway were transplanted with them; and still the Common Council had the main stroke in all weighty affairs; for to that Policy had they also been educated.

The Scheme of the *German* Government appears in these passages of *Tacitus*. *De minoribus rebus Principes consultant, de majoribus Omnes*. In lesser matters the principal men onely, in the greatest affairs all consult.

Elsewhere he says of them, *Ubi Rex vel*

vel Princeps audiuntur Authoritate suadendi magis quam jubendi potestate. Where the King or Prince are heard for the reasons they bring to perswade, rather than for any Authority to command.

Hereby 'tis manifest, that in *Germany* also the people had their share in debating and directing all affairs of moment.

When therefore the *French* under *Wararamond*, or *Pharamond*, came to settle and mix with the *Gauls*, whatever other differences might happen, in point of Government they were agreed beforehand, both resting upon the same Basis, the Common Council.

Accordingly in those first days, we find them making their Kings, and again upon occasion unmaking them by general consent. Hence come these Phrases so frequent in *Aimoinus*, *Sigebert*, *Engenhardus*, and the other Writers of those times. *Consensu Francorum*, *Electione Francorum*, *Secundum Morem Francorum*, *in Regem electus*, &c. On the other hand, *Franci regno deturbant*, a *Francis* repudiatur, *depositus ac detonsus in monasterium detrusus est*, a *Francis* in *Mona-*  
*chum*

16 *A general Draught or Prospect  
chum tonsuratur, &c.* Where we may  
note, that our Authors intend by their  
*per Francos*, as much as *per consensum  
Francorum, or secundum morem Francorum*,  
which is, by the Common Counsel, and  
not in any unusual, mutinous, and tu-  
multuous way, as some might object.

Nor are we to imagine the Govern-  
ment presently altered, so often as we  
find the Historians varying their phrase.  
We must now and then be content with  
such words as the Monks of those times  
were pleased to coyn for us, and have  
new barbarous Names for the same old  
Civil Constitution.

Whether they speak of *Germany*, of  
the French, or of our Nation, they in-  
differently diversifie, and employ for the  
same common assembly amongst others,  
the appellations and circumlocutions  
following.

Sometimes they call it *Curia*, and *Cu-  
ria Imperialis, and Curia Regalis, Curia so-  
lennis, generalis Curia, magna Curia.*

*Concelebranda patrum solenni curia cætu,  
Curia Roncaliis jampridem indicta coiret,*  
say

say their Poets. Which is expessed in the German Tongue, by *Hove, Koniglicher Hove, grossen Hoff.*

Elsewhere it is call'd *Congregationes*, which the Germans render *Reichsversamblung.*

Sometimes it is call'd *Concilium Principum, totius Germaniae Concilium, Concilium generale.* Gunther says,

*Concilium Procerum toto de corpore regni Convocat.*

And the Monk of *Paderborn*, who liv'd about eight hundred years ago, in his *Annals of Charles the Great,*

*Anno 772.*

*Et Rex Wormatiam Carolus collegit in urbem,*

*Francorum proceres ad Concilium generale.*

*Imperialia Concilia postquam cessavere, omnes pene deformitates introductæ sunt,* says Cardinal *Cusanus.*

Elsewhere these were called *Conventus, Conventus generalis, Conventus publicus,*

C

18 *A general Draught or Prospectus*, *Convenire generaliter populum suum praecepit. Habuit populi sui generalem Conventum. Habitoque juxta Morem Conventu generali.* The Monk of Paderborn thus versifies.

*Anno 775.*  
*Ad Duriam vicum properant, nam rege iu-*  
*bente,*  
*Illic Conventus populi generalis habetur.*

Elsewhere,

*Venit; & ad fontes fluvii cui Lippia nomen,*  
*Conventum fieri Procerum jussit generalem.*

*Anno 775.*

*Publicus in Paderbrunon Conventus ha-*  
*betur.*

Most commonly it was called *Placitum*. *Compendii placitum generale habu-*  
*it. Aimoinus. Rex Pipinus habuit placitum suum in Nivernis Regino, An. 773,*  
*and An. 777. Tenuit placitum in loco qui*  
*dicitur Paderbrunon. Abbas Staden-*  
*sis in Chr. An. 811. Imperator habito*  
*pla-*

*placito, &c.* And the aforesaid Monk,

*Anno 770.*

*Conventum placiti generalis habere,  
Cum ducibus se velle suis denunciat illic.*

Regino calls it *Synodus*. *An. 770. Car-*  
*rolus habuit Synodum in Wormatiâ. 771.*  
*Habuit Synodum ad Valentianos. 772.*  
*Synodum habuit in Wormatiâ. 775. Habu-*  
*it Synodum in villa quæ dicitur Duria.*  
*780. In Lippa Synodum tenuit. Convene-*  
*rant multi Episcopi, Abbates, & Principes*  
*ad Imperiale Synodum. Trithem. Abb.*

Afterwards in Germany, *Diet* was the  
name that generally prevailed, as that  
of *Parliament* in *France* and *England*.

Now these Quotations and Authori-  
ties shew, not only that by all this va-  
riety of Names were understood the  
same *Common Council*, but that the  
*Principes, Proceres, Primores, Duces, Pa-*  
*tres, &c.* imported no more in truth,  
nor signified other manner of Men, than  
the very same with *Populus*.

And the same Assembly by one Wri-  
ter barely called *Populus*, or *Conventus*

*populi*, is by another stiled *Conventus procerum*, *Conventus principum*, &c. which those terms *secundam morem*, *juxta morem*, *more solenni*, *ut solebat*, more fully demonstrate; which seem to refer and send us back to *Tacitus*, *Consultant de majoribus omnes*.

This I the rather note, because I find Mr. Petty (amongst many other his excellent Memorials) observing the like in old Records of Parliament, where those somewhere called *Populus*, and *Vulgus*, and the *Commons*, are otherwhiles dignified with the gay additions of *Noble*, *Most Noble*, *Most Illustrious*, *Most Gracious*, *Seigniors*, *Monseigniours*, and *Sires* the *Commons*.

And likewise for that some unwary and superficial Readers from this root have propagated and improved many Errors of pernicious consequence to our ancient and Fundamental Policy and Government.

The *French* incorporating and growing one people with the former Inhabitants, had a much easier Province; they settled, and pursued their Native Customs

stoms and Forms of Government, nor met with that difficulty and opposition which in this Nation attended the *English* and *Saxons*. These had a much harder game to play. These could in no wise fix, or find any sure footing, without first clearing their way, and driving the *Britains* up by themselves, into a corner of the Land.

And after much tumbling and bustle, we find them formed into a Heptarchy.

How regularly they mov'd as to Civil Affairs, how closely they followed their Country-Customs, or where they innovated and varied from their German Forms and Policy, in those dark times, is hard to be traced.

Some footsteps however appeared then, which remained to posterity, as the division of the Countrey into Hundreds, after the German manner described by *Tacitus*. Besides the other Royalties in the people, as that of appointing *Sheriffs*, and choosing Annual Magistrates, the jurisdiction and power of life and death by our Juries, &c.

And even before all came united under

der one Monarch, we find the people interposing their Authority, and (for the miscarriages of Queen *Edburga*) providing that thereafter, *No Queen shall sit by the King, nor have the Title of Queen, but be called only the Kings Wife.* *Gens itaque occidentalium Saxonum Reginam juxta Regem sedere non patitur, nec etiam Reginam appellari, sed Regis conjugem permittit, &c.* Affer. *Menev.* & *Mall.* But I shall not repeat what *Cambden* and *Selden*, and our other Antiquaries have collected on this occasion; but *Germany* being the source both of our people and Laws, I choose rather *petere fontes.* And thence it may be concluded how far we do *stare super vias antiquas*; and continue firm upon the old bottom.

When the People and Senate of *Rome* had transferred all their right upon *Charles the Great* (or *Charlemain*, as the *French* call him) and *Germany* was made the seat of the Western Empire, one might think, if there could be an opportunity of introducing a new form of Policy, this was the time. Yet *Charles*,  
fo

so victorious, so august, so great, the like in no age before him or since ever known on this side the *Alps*, notwithstanding all that power and fortune, and the Imperial Crown that adorn'd him, his Language was still the high *German*, and his Government did still in the old Parliamentary way go on and prosper.

Therefore we find him every year with his Parliament. *Eginhardus*, who was his Son-in-law, and Chancellour, says of him, *Rex sic ad publicum populi sui conventum qui annuatim ab regni utilitatem celebrabatur, ire, sic dominum redire solebat.* And *Amoynus*, l. 4. c. 74. *Generalem Conventum quotannis habuit.*

And to these Parliaments, under God, so far as humane reason may judge, does *Hincmar* (Archbishop of *Rheims*, and Chancellour in those times) ascribe his happy Reign. *Secunda divisio, qua totius Regni status anteposito, sicut semper, omnipotentis Dei iudicio, quantum ad humanam rationem pertinebat, conservari volebatur, hæc est, consuetudo tunc temporis erat, ut non sæpius sed bis in Anno duo placita tenerentur, unum quando ordinabatur*

tar status totius Regni ad anni vertentis  
spacium, quod Ordinatum nullus eventus  
rerum, nisi summa necessitas, quae similiter  
toti Regno incumbebat, mutabat, in quo  
placito generalitas universorum majorum  
tam Clericorum quam Laicorum convenie-  
bat, alterum cum Senioribus tantum &  
principiis Consiliariis.

All this seems but a Paraphrase upon  
the passage afore-cited out of *Tacitus*, as  
to the Form of Government. The  
Princes and Seniors are for the matters  
of less weight; the former here men-  
tioned, was the *generale placitum*, which  
the Germans more particularly call, *Die  
jahrliche versamblung*, the yearly Assem-  
bly. Whose busines (he tells us) was to  
order the state of the Kingdom.

He shows us likewise how binding  
these their Ordinances were, and not to  
be contraven'd unless upon the *utmost  
necessity*; not a suggested, invisible, Court-  
*necessity*, but *qua toti regno incumbebat*,  
a necessity that lay upon the whole King-  
dom.

In effect, the Parliament *Ordered*, and  
he *Executed* their Orders; his Office  
was the Administration.

A.

Amongst other particulars, we find him in Parliament adjusting the matter of Succession, as *Eginhard*, and the Abbot of *Staden*, *An. 813.* informs us, of which the Monk of *Paderborn*, *An. 813.*

*Unde Duces, ac Primores solenniter omnes  
Atque Magistratus, ad Concilium generale  
Undique collegit, Natoque suo Ludovico  
Cunctorum cum consilio ius omne regendi  
Tradidit Imperii, Successoremque paterni  
Imposito designavit Diademate Regni.*

And accordingly his Son *Lodowic* by general consent of Parliament did succeed him; *post mortem patris Aquisgrani summo omnium Francorum consensu administracionem accepit*, *Anony. An. 814. de reb. gest. Pip. Car. & Lud.*

The same Author tells us, that this *Ludowic*, *Lotharium filium Primogenitum confortem Imperii constituere volens, Aquisgrani in conventu, more solito, instituto, eum coronavit.*

In like manner we have the Son of *Arnulph* chosen in Parliament to succeed his Father. *Regino, An. 900. Proceres*

ceres & optimates ad Forachem congregati  
 Ludovicum filium præfati principis, quem  
 ex legitimo Matrimonio suscepserat, Regem  
 super se creant, & Coronatum, regiisque or-  
 namentis indutum in fastigio Regni subli-  
 mant.

Nor was this done onely out of For-  
 mality, and for the greater state and so-  
 lemnity on those occasions, for we some-  
 times find them refusing to grant what  
 the Emperour labour'd to obtain. A-  
 mongst other instances, we have this last  
 named *Arnolph*, An. 894, attempting to  
 get the Parliament make his Son *Zun-  
 delbolt* King of *Lorrain*. But they  
 would not gratifie him. *Filiū Zun-  
 delbolt*, An. 894. *Ordinibus Convocatis  
 Regno Lothoraii præficere voluit, minime  
 tamen optimates prædicti Regni eā vice  
 ad sensum præbuere*. *Regino*, l. 2. But  
 the next year after he prevailed, says  
 the same Author: *Anno vero sequenti in  
 conventu Wormatix instituto, omnibus ad-  
 sentientibus id. demum obtinuit.*

Hitherto these appear to be the same  
*Germans*, *Ubi Rex vel Princeps audiuntur  
 Authoritate suadendi, magis quam jubendi  
 potestate*. And.

And seeing that this of Succession, is one of those points that are of greatest importance, 'tis strange how the right of Electing the Emperors came afterwards to be left in so few hands, and to be settled in the Seven only, who, in course of time got the name of *Princes Electors*.

Neither the occasion, nor the time when this Custom began, can be discovered. Some would deduce it from *Charles the Great*, Some from *Otho the Third*, who Reigned about the year 990. Others from *Otho the Fourth*, *An. 1200*. Others again from *Henry the Second*, who was Emperour, *An. 1001*.

From which uncertainty we may only gather, that the Custom was very Ancient. But it is not to be imagined that the other States by any publick Act transferred the right upon those *Seven*.

Amongst the fallacies and cheats of State, whereby the rich Men may impose upon the poorer sort, and worm them out of all their share in the Government,

28 *A general Draught or Prospect  
vernment, Aristotle reckons these : That  
it be penal for the rich to be absent from  
the Common Councils, to refuse being in  
Office, to want, or omit the exercise of Arms,  
not to serve upon Juries, &c. But the poor-  
er sort may use their discretion, it shall not  
be penal to them ; they may choose whether  
or no they will be present in Common Coun-  
cil, bear Office, be at the charge of Arms  
and Training, be impannel'd upon Juries,  
&c. In these cases this specious liberty  
fools and bewitches them : for so long  
as no restraint is upon them, and they  
are not excluded or slighted, or disre-  
pected any way in the matter, they ra-  
ther follow their private occasions at  
home, and the busines of their Fam-  
ily. And thus by degrees insensibly is  
the Commonwealth and Government  
changed. And that is effected by art  
and trick, which openly and fairly  
could never have been brought to pass.*

We need not think that the *Germans*  
were over-reached by any the like So-  
phistry and deceitful Laws ; but 'tis  
likely, that to many it was sufficient,  
that it lay in their choice whether they  
would

would act or no; and in that security many sat down: Some could not conveniently spare time from their Family; some were indifferent which way the world went; some could not part from their dear delights, their Pots and their Hounds; and some staid at home, because they could not make that show, and appear in a pomp and equipage like their Neighbours. By reason of these, and a many the like weighty considerations, together with a general degenerateness, supineness, and neglect of the publick, the affairs of State became abandon'd, and shuffl'd into a very few hands; insomuch that few besides those now called the Seven Electors, made any great figure, or much labour'd in that sphere.

But those seven were suffered from time to time by a silent usurpation to manage all, till insensibly it grew into a Custom.

So that (under *Charles the Fourth*, when the Priviledges and Rights of every body came to be stated, and reduced by general consent into a standing Law) in

in the beginning of the *Golden Bull*, this Ministry of the Seven Electors is said to be *an ancient and laudable custom*.

Some will have these Electors to be a Committee of the whole Empire, and that (there being one King, one Duke, one Marques, one Count, with the Churchmen) all the several orders in the Empire are represented by them; and consequently that their Act is virtually the Act of the Empire.

But it seems more reasonable, that this sort of an Aristocracie sprung up to overtop the ancient more popular Government, by the negligence or inadvertency of the other Orders; who were satisfied in seeing the Emperour thereby effectually held within compas, and had no care or consideration farther.

For all their fears and apprehensions had risen from the Emperour, and, so be that they might be secured against his encroachments and oppression, they were content to set up those Electors; to oppose the Emperour, and stand as a bulwark betwixt him and them.

And therefore by their free Act in the  
Golden

Golden Bull, they settle and confirm to the Electors that Prerogative, which no prescription otherwise could have made just and authentick.

Above an hundred years before, in the Church had the Government changed face; an Aristocracy obtain'd, and the Election of the Pope ceased to be longer popular.

About the same time, in *England* also, the old Laws and Policy ran a dangerous risque from an inundation of Arbitrary power, that threaten'd to break down all the ancient banks and Barriers. For the *Normans*, having come amongst us, partly by consent, partly perforce, puffed up and wanton with their new acquisitions and swing of fortune, they could not well be kept within bounds. Now and then Speeches of Conquest and holding by the Sword, and the like bug-titles, were bandyed to and fro amongst the giddy Courtiers, with now and then a Sally and Inroad upon the people, trampling Property under foot.

These Insolencies and Invasions kept the Nation awake, and put them upon their

their guard, to wait an opportunity whereby their ancient Rights and Customs might be reduced into Form, and solemnly recognis'd by succeeding Kings in the *Great Charter*.

Thus was the Cockatrice crushed in the Egg ; and an early stop put to Arbitrary sway in *England* ; and the Government returned to its old center of Parliaments again.

*Germany*, in this juncture, lay most open and exposed. The Emperor, *Lord of the World*, and *Head of the Nations*, Successour to those *Cæsars* that had broken down all Forms and Fences, so that Liberty and Property lay wast every where before them.

These owed all their power to the *Sword*. The *Imperial Crown*, the *Lex regia*, the whole bulk and body of the *Civil Law*, were wholly and entirely their own proper creature ; and what more might be devised to make a Prince unlimited, uncontrollable, great, and barbarous, and render him a *Cyclops* or a *Leviathan* ?

But the result was, the *Customs* and

Li-

Liberties of the *Germans* were far more ancient and more *Sacred* to them, than any *New Song* that the *Civilians* could teach them.

Therefore all this long rattle of Imperial Prerogative onely alarm'd them, and made them provide the better for their security.

And as their danger was the most threatening, and arm'd with stronger Titles and pretensions than in other Nations; so have they with more care sought their preservation. And the *Golden Bull* with them was framed, and had the same effect as *Magna Charta* with us; which they strengthen and make supplements to, by new Capitulations upon occasion, according as the Emperors abuse their power, or that tricks are devised, by colour of the latter, to elude the honest intention of that Fundamental Law and Constitution.

Thus we see it true, in respect of *Sovereaignes*, as well as of *Subjects*, That *evil manners* are the cause of *good* and *wholesome Laws*.

The *French* have no *Golden Bull*, nor

D

*Mag-*

*Magna Charta*; peradventure, because no King of theirs had those pretensions of Conquest, as the *Normans* here; nor had that Imperial Title of the Sword, and the Civil Laws, as the *Cæsars*, to transport them beyond the bounds of Moderation and Reason.

Which put them upon other Measures, and gave them opportunity, step by step, slyly, insensibly, and surely, to effect what more openly could never have succeeded.

As in the Fable, the storm and violence of the Wind could not force away the Travellers Cloak from him; but the Sun coming silently upon him, dissolves him presently, makes him unbutton, and strips him of all.

Noise and bluster make the people the more obstinate and tenacious. But things remote affect them not. They never see consequences, nor lay ought to heart that is not immediately present before their eyes.

If any thing now and then in the course of their Kings Reign happen'd that was shocking, all was lookt upon

as some personal and accidental slip only, without foundation for continuance, or without giving jealousie of being repeated to posterity.

About an hundred years after *Magna Charta* was establisht, was that project of the Modern Parliament in *France* set on foot, to render unnecessary the ancient Assembly of the States, and consequently to alter the Government.

But the *English* Arms gave check to their wanton career, and for a long time diverted them from pursuing that design, or bringing it to any head.

However, this new Assembly and Vice-Parliament was cultivated and improved daily. They assumed all the Power, they consulted and determined the weighty Affairs; and in case the King offered any violence to the Laws, they encounter'd and oppos'd his exorbitant courses; they lay before him his Coronation-Oath, and plyed him with Remonstrance upon Remonstrance, till they brought him to Reason.

Neither War nor Alliance could be made, nor could any his Edict of Com-

mand have effect, till Ratified and Approved by them.

So that to the unwary multitude these serv'd the turn as well; these were as effectual and sufficient, and more ready and expeditious than the great old Parliament.

But afterwards came new-fashioned Kings to Reign, who would not be overcome by Reasons or Remonstrances.

And yet then also, was a formal compliance of this Parliament thought necessary; and, as an expedient, when not satisfyed in Conscience that an Edict ought to be Ratifyed, was introduced that clause; *Mandato Regis*; which imported, that they did not ratifie such an Edict upon their own judgment, but that they were over-ruled by the Kings particular command.

Afterwards again came the *expresso Mandato*, and *expressissimo Mandato Regis*, according as they pass'd it with a greater reluctance, and greater violence had been offered to their judgment.

But *Henry the Fourth*, who had fought through

through all opposition into his Kingdom, and had subdued to his will all that had fac'd him in the field, grew impatient, after so great Contrasts, to find his resolutions crost, and contested by tame Gownmen; therefore, to rid himself at once of all those verbal frays and formalities, made a Law, that thereafter the Kings Edicts should be Ratified and *Emologated* upon sight, without more formal trifling and dispute.

Thus were those remains of Sovereign power, that had surviv'd in this diminutive Parliament, baffl'd and extinct, without much labour.

But as they never possessed the vigor and spirit of the Ancient Assembly; the people were never so stupid to trust, or lay much stress on their valour and performance.

And therefore did more early show their resentment; nor without a general convulsion and Civil War, could bear the apprehension of a Court-design to lay aside the old Parliament.

If was the boast of *Lewis* the Eleventh on this occasion, that he had *Mis la Royauté*

auſt hors du page. He had so ordered matters, that the *Royal State* should be no more a *Pupil*; in him it came of age to dispose things, and act of its own head, and should not need to be *tutor'd* or be under a *Guardian* any longer.

This was a Prince of a particular humour, and of singular endowments. It was no wonder if he did not like the check of a Parliament; he had before attempted by two or three *Rebellions* to free himself from the Authority of his King and Father.

The good old King *Charles*, the Seventh, weathered the open violence, but fear of poyson overcame him; insomuch, that he durst neither eat nor drink any thing, but after five days fasting dyed.

And now *Lewis* being King, his first work was to clear the Court from all who had serv'd his Father, and pack off all the Princes of the Blood, and ancient Nobility, and to create a new set of Nobles and Courtiers for his purpose.

The people took the Alarm, and clamour'd for a Parliament to regulate disorders,

orders, and prevent the evils that threatened and hung over them. A Parliament, a Parliament, was the cry and expectation throughout the Kingdom.

The Bishop of *Paris* and Clergy, the Courts of Justice, and the City, (the Three bodies of greatest consideration and gravity) presented to him their several Remonstrances.

He (dissembling being his Talent) took all kindly; and to break their contents, or divert them, he took six persons out of each of their Companies, to be of his ordinary Counsel; in show only; for in effect he was still the same.

And amongst the profligate rabble about the Court, there wanted not in the mean time a sort of wretches who made an Hubbub, and as formally declared their detestation and abhorrence of their practises that had importun'd the King with their Remonstrances, and call'd it an unparallell'd violation of their duty. Nay, (*Philip de Comines* tells us,) the Courtiers went so far, they call'd it *Rebellion* to mention a Parliament.

ment. Nor was it strange such Cattle then should be sheltered about the Court, when a *Mountebank* was set up for Lord Chancellor, *Taylors* and *Barbars* (*Johan de Doyac*, *Olivier le diable dit le Dain*, &c.) the prime Ministers of State.

This jarring and misunderstanding was followed by a Civil War, which was call'd *The publick good*. This produc'd a Parliament. And this Parliament would no longer trust *Lewis* single with the Administration of Affairs; but appointed him Thirty six Commissioners, (*Curateurs*) to be his Assistants. However, *Lewis*'s excellency lay in playing an after-game.

In the War, he had sent to his Allie *Alexander Sforza* for aid; who returned him answer, that Men he had none to spare, but would give advise which should be as effectual; so the *Italian* advis'd him *Always to agree with his Enemies upon any conditions, then find the opportunity to cut their Throats*. According to this, *Bodin* speaks of him, *Pacem injure coactus est, sed eos omnes clam aut*

*aut apertè, paucis admodum exceptis, necandos curavit fratrem, quoque Carolum veneno.*

This is the dexterity which *Comines* so much labours to gloss over, and set a countenance upon; these the *belles Actions*, and the *finesse*, which the Modern *French* so much celebrate at this day; all is copied from this Original.

Perjuries and Poysons were his ordinary Arms, yet none so devout, none so superstitious, none made the like largesses to the Church. But his Masses and Pilgrimages did always portend some strange horrid Murder about to be executed.

These were but personal Vices; his cajoling the Citizens, and affected Gallantry to their Wives, was politick enough. But what prov'd most effectual to his design of changing the Government, and excluding Parliaments, was his laying aside the Franc-Archers; who hitherto had been the Train'd-bands, and ordinary Militia of the Country.

In the War (call'd *the pulick good*) he found that those Franc-Archers (being men

men of a settled Habitation, and way of living) took part with their Landlords and Neighbours against him; therefore from thence-forward he slighted them, and by beat of drum from Town to Town, gathered and listed such as voluntarily offer'd themselves to his service.

These were then called *Adventurers*, because they sought their adventure by the fortune of War; as afterward when *Charles the Eighth* carryed them over the *Alps*, they got the name of *Souldiers*, from the *Sold* or pay they received upon that Expedition.

But as this *Lewis* could not trust the *Militia*, so within a little time he began to think himself not safe amongst his *Adventurers*. These yet were not remote enough from the interest of their *Country*, and had some small sense of its oppression.

Thereupon, for the more immediate guards of his person, he takes into pension Four thousand *Switzers*. And by that establishment, seems to have compleated his design, and alter'd the old

Par-

Parliamentary, into a Military Government.

And now it was not so hard a matter to borrow Money of the Citizens, and otherwise make those Levies which no King before him ever attempted.

Thus it was that he brought the Royalty *bors du page*; or, rather (according to the Paraphrase of their Historian *Merzeray*) *bors du sens & du raisonne*.

Though in Germany the condition of their Parliaments is not altogether so deplorable and desperate; yet of later times there have not wanted lusty endeavours by force and by artifice to destroy them.

Right and wrong are ever the same, but Times and Manners vary faces very much. One while instead of all other penalty for a crime, it was sufficient that the Law censur'd it with an *improbè factum*. To say he that does so, or so, is to blame, was more effectual and coercive in those *Saturnian* days, than are Racks and Gibbets with us.

Radamanthus his way of administering Justice in all causes between party and party,

ty, was by putting them both to their Oaths, and determining their right accordingly.

This, says Plato, was a proper and ready way in that age, when every body was possessed with the fear of God. But, says he, this would not do, now in our times, when some make it a question whether there be a God or no; others make a doubt whether God regards what we do on earth; most and the worst of men have a conceit, that though there be a God, yet they can pacifie him with their vile Adulations, their Mummeries and their Masses; so that they may still be as wicked as they please.

Therefore, says he, when mens opinions are chang'd, the Laws also must be chang'd; for, otherwise, if our Judges now were to make Radamanthus their President, we should all be over head and ears in Perjuries.

The like may be observ'd in relation to Sovereigns. In old times at first there was onely a simple confidence betwixt them and their people. And never were Kings so reserv'd, as then when they had no bounds.

After-

Afterwards, the Misbehaviour of some Princes introduced that check of a Coronation Oath. And where that is the only check, 'tis an argument they had never yet been there tainted with the Atheism, and infidelity, which *Plato* mentions; but had continually liv'd and rul'd with that simplicity and religious fear, so memorable in those days when *Minos* and *Radamanthus* were King and Chief Justice of *Crete*.

*Claude Seiffelle* reckons several *restrains*, bridles, that curb the *French* Kings. But now when the old Parliament is obsolete, this would be remarkt upon, as a graceless unmannerly Metaphor, in the refined language.

In the State of *Venice*, at first their Prince was as absolute as any *Barbarian*; till having strayed, and given some instances of humane frailty, new curbs and new tyes were devised for him. But the *Italian* prov'd still too witty to be held by any.

The *Venetians* however would not be dallied withal, they would not suffer the Transgressor to rejoice long in his

ex-

extravagance, but pursued him with exemplary punishment: *Sabellicus* reckons to the number of Twelve that lost their Heads for slipping their bridles.

At the length, when the *Venetians* found that neither the simple trust was sacred, nor the Coronation-Oath inviolable, nor the exemplary punishment effectual to contain their Prince within the bounds that were consistent with a Free people; They concluded that the publick safety could not be sufficiently provided for, and secured against their Prince, till they stript him of all the reality and substance, leaving him barely the Formalities and Trappings, and empty shadow of Sovereignty.

Now to come to the *Germans*; whatever shifts other people have been put to, to maintain their Liberty, they (it should seem) never trusted the Sovereignty out of their own hands. So that whether it be a *mixt*, or what other sort of Government you call it; the great Affairs were always reserv'd to be determin'd in Parliament; there was the Supreme power, there was the Majesty. Yet

Yet no people have been forwarder in adorning their Prince with all the Titles and expressions of greatness, and an arbitrary, uncontrollable power, than they.

All the Acts and Laws run in his name; and are called *Cæsars Laws*, and *Cæsars Constitutions*.

Where the Emperor and the Empire are named, he constantly has the precedence.

In the publick Ordinances and *Recesses*, every thing from him are stiled Precepts and Commands; from the States merely obedience and prayers, though he cannot wag a finger without their consent.

They every where speak of, and own in him a fulness of power *vollcommenheit*. And this they give also to the King of the *Romans* at the same time; to shew the emptiness and vanity of it. As both are call'd Heads of the Empire, though the latter has no power at all, during the Emperors life.

They and all the world salute him by the Title of Imperial Majesty. And the

the German Style will not allow Majesty to any other Kings; *die Königlicher Wurde*, not *die Königlicher Macht*, the Kings Worship, not Majesty.

Yet after all, *Æneas Sylvius* says, in *Germ. c. 43. Imperatorem, & Regem, & Dominum vestrum esse fateamini, precario tamen ille imperare videtur, nulla ejus potestas est.*

The shadow and flourish onely were in the Emperor; but the *jura Majestatis*, the *vis imperii*, the essentials of Majesty were always reserv'd and exercis'd by the common Assembly, as by the particulars may more plainly appear.

i. One of the Rights of Soveraignty is to be above the Law, and to give Laws to the people.

Neither of these Royalties belong to the Emperour; he may be call'd to account for violating the Laws. In the *Golden Bull*, the Forms and Proceedings against him are stated. 'Tis there said to be the *Custom*, and accordingly sett'd and agreed for Law, that the Electors may *Impeach* the Emperor, in the Assembly of the States; and the Count Palatine,

tine of the *Rhine*, as Chief Elector, is to be the President or Judge.

For the Legislation, or making Laws, the Emperor proposes, the States are free which Propositions they will proceed upon. When an Act is to be passed, the Electors have six Votes, the Princes six, the Cities two, the Emperor has but one (the last) Vote. Without a Majority he can do nothing: They can Decree without him if he is absent. The Ordinances are to be confirm'd by his Seal and Subscription; but if the States persist, he must of necessity comply. Even *Charles the Fifth* in vain contested that point, as may be seen in *Sleidan*, l. 4.

These Sanctions are regularly subscribed by *Cæsar*, and by some of the States for the Empire; and are Enrolled (at *Mentz*) in the Chancery of the Empire. The several Members of the States are sworn to be true to the Emperor and to the Empire; and are said to be Subjects of the Emperor, and of the Sacred Empire.

2. In matters of Religion, in all times, the head of the State had the Supreme direction, as it was said of *Tiberius*, *Deum munere summum Pontificem summum hominem esse*. And the first Christian Princes, before the Papal Tyranny usurpt upon them, were always the chief Pontiffs, and receiv'd the Pontifical Habit from that Colledge.

But upon the Reformation in *Germany*, *Anno 1555.* both the Emperor and Pope were excluded, and their Pontifical Supremacy abrogated. In the point of Religion, the Emperor was not consider'd as the Chief and Head of the Empire, but as a party: for by joyning himself to the *Roman* Catholicks, he made their cause and concern his own. It was therefore agreed and concluded, that the States onely should determine in matters of Religion; and that with a tender hand, in an amicable way onely.

3. War and Peace are transacted in the name of the Emperor; but in effect, all is reserv'd to the States. He must at the least have the consent of the Electors.

Yet

Yet any Prince of the Empire may levy Souldiers, may make Leagues and associations without any bodies leave.

4. For Jurisdiction, and the last Appeal, the Civilians say the Emperor is *fons omnis Jurisdictionis*; but here it is far otherwise.

The Princes, in causes touching their Life, their Honour, or their fee, always claim'd their Priviledge *das fursten-recht* (they call it) to be try'd by their Peers the Princes of the Empire.

The common Pleas were tryed by the Emperor, and attended his motion, till by the increase of Suits, that Júdication was no longer sufficient, the Judges grew corrupt, and many other inconveniencies appearing, the States in their Assembly at *Franckford*, *An. 1489.* ordered a place certain for the decision of those ordinary causes; whereupon the Imperial Chamber at *Spires* was erected.

All the Process and Decrees of the Court ran in the Emperors name, and are under his Seal; and it is call'd *Cæsars* Court. But it is also call'd the Court of the Empire.

The Emperor onely named the President ; by the States were the rest of the Judges appointed ; and the other Officers of the Court by the Elector of *Mentz* Arch-Chancellour of the Empire.

The States likewise execute the sentence. They visit and reform the Court by their Commissioners ; and to these visitors are the Appeals, not to the Emperor.

Yet some voluntary references that were made to the Emperor and his Privy-Council, and to their Arbitration, gave them opportunity of late to usurp a Jurisdiction.

5. Taxes are all Levyed in the Emperors Name ; but in truth nothing of that nature can be done without the Assembly of the States. Nor is the Emperor trusted with the Money in his Exchequer ; the States keep it till it be employ'd ; they have their several Treasuries.

Sometimes the several Circles keep their respective Money ; sometimes a publick Treasury is agreed upon , and one

one or more *Pfenning-Meisters* (Penny-Masters) appointed. *Anno 1495.* They ordered seven Treasurers, one to be named by the Emperour, and six by the States. These swear to the States. And if any be by special Oath or obligation bound to the Emperor or other particular State, he is uncapable of that trust. These are accountable to the States only.

If the occasion for which the Tax was rais'd be taken away, the Money cannot be diverted to other uses, but by the consent of the States.

6. The chief Magistrates are, none of them, made by the Emperor. The Count Elector *Palatine* is Vicar or Protector of the Empire, and has the charge of it in the Emperors absence. The Three Ecclesiastical Electors, who are chosen by their Chapters, are of course the Arch-Chancellours of the Empire. The States appoint the (*Reichs-Skak-Meister*, or *Reichs-Pfenning-Meister*) the Treasurer of the Empire. Sometimes they leave the general to be nam'd by the Emperor, and the ten Circles ap-

54. *A general Draught or Prospect*  
point their several Directors or Counsel  
for him.

For the other particulars, as the inspection and care of Coyning Money, the hearing and sending Ambassadours, &c. the Emperour has no great matter of advantage above the other States.

On a common account, where the concern is general, the States must be consulted; and nothing can be done without their consent and approbation.

The Electors are in possession, and exercise a particular Sovereignty in some points of greatest moment. They are the Trustees and Representative of the whole Empire, in their Election of the Emperor. And hereupon they undertake likewise to loosen his power, or tye it up short; and make what Capitulations they please with him. And thereby would assume to themselves more than the other States will ever be content to allow them.

But the Emperour singly, besides the name, and pomps, and empty Titles, has very little of the substantial Sovereignty entrusted with him. The

The *Investiture* of the great fiefs belongs to him. This is a Prerogative goodly in show, and were of moment, could he lay any conditions or charge on the person invested; but nothing is left to his will; he cannot deny, nor delay the lawful Heir. Nor does the Fee for want of Heirs Escheat to the Emperor, but to the publick Patrimony.

He grants *Priviledges*, where a third person or the Publick is not injur'd.

He founds Universities, grants Fairs, makes Denizens, &c.

He Creates Kings, Princes, Dukes, Marquises, Counts, Poet-Laureats, Doctors, &c.

He gives onely the bare Titulary honor of Prince, but not the qualifications; he cannot make him capable to sit and Vote amongst the other Princes of the Empire.

So that here the States are not subject to that imposition which the *Roman* Senate once suffer'd under *Tarquinius Priscus*, who created an hundred new Senators, to the end he might be sure of a Court-party, by his Creatures, and

have a majority of Votes in the House.

In short, the *Germans* seem to have observ'd the rule in Politicks, That he who is the most high in name and dignity, should in real power be the least considerable.

Yet in the last age, the States gave way to several innovations, which prov'd of mischievous consequence afterwards.

It had anciently been the Custom for the Assembly of the States, to send for the Emperor to come to them upon occasion; so *Hincmar* tells us of *Charles the Great*, *Rogatu ipsorum in Concilium veniebat, quotiescumque voluntas esset ut ad eos veniret; similiter quoque quanto spacio voluissent, cum iis consisteret, &c.* Ep. 3. c. 35. Upon their Message to him, he came to the Assembly, as often as they had a mind he should come to them; and in like manner he stayed so long with them as they desired. And this custom continued, as may be seen in *Lehem. l. 7. c. 80.* and *c. 113.* till under *Maximilian*. And then the States began to go to the Emperor.

This

This *Maximilian* likewise, upon pretence of sudden occasions that admitted not delays, would now and then be acting *single*, and usurping in several particulars the power that of right could only be exercised by the *States*.

Therefore the *States*, *An. 1500.* to take off these pretences, and prevent all attempts of this kind, and partly, per-adventure, for their own ease, substituted in their absence a *Committee*, which they call'd the *Regiment*, and the *Members Regents*. This *Regiment* was an Epitome of the whole Empire, and was endued with all the powers and Sovereignty accordingly.

It consisted of Twenty persons, who were chosen out of the several Orders of the *States*; and took an Oath *to be true to the Emperor, and to the Sacred Empire*.

The Emperor or his Proxie was their President; but lest this might give too great advantage to the Emperor, an Elector was added, as a joyn-t-president with the Emperor or his Proxie.

No

No person of dependance on, or particular obligation to the Emperor, was capable of being a Member.

The Emperor had no more Vote than any one of the Twenty *Regents*; nor could determine ought, unless the majority were for him.

These were not simply to consult, but had the execution also.

This Constitution held for some years. And then the *Annual Assembly* returned, and resumed their power, and acted again. But in case of sudden necessity, left another expedient for the Emperor. They constitute for him a Council consisting of Eight persons, Four chosen by the Electors, and Four by the other States. These were sworn to be true to the Emperor and to the Empire, *Scweren der Keyserlichen Majestat und dem heiligen reichs getreu, &c.*

But *Charles the Fifth* coming to Reign, he was upon the new Model immediately. He restor'd the *Regiment*, but the conditions altogether different.

Now it consisted not of Twenty, but Twenty two persons. He as Emperor would

would have Two Votes added, thereby in effect to be Master of Five Votes; Two as Emperor, One as President; One for *Austria*, and One for *Burgundy*.

The former *Regiment* might, according to the old custom, send for the Emperor to come to them. Now it was order'd that *Cæsar* might call them to what place he had a mind.

Formerly, if the Emperor came not, they might proceed without him; now, *Charles the Fifth* forbad them to make Leagues and Allyances, or do ought in his absence. The Oath was alter'd, and the Members were only sworn to the Emperor, and said to be the Council of the Emperor; whereas the former was called the Council of the Empire.

In the former constitution, the Elector in the name of the Empire subscribed their Ordinances; here, with the Electors subscription is joyned that of the President, in the name of the Emperor.

In short, the former was constituted by the States, and entrusted with their power, to be a check upon the Emperor; this was formed by *Cæsar*, to quiet the

the people, and entertain them with a show; whilst he the more insensibly made his advances to invade their ancient Rights, and usurp all the power into his own hands.

The next project in case of Emergencies, was the *Assembly* of the Deputies. This consisted of the Six Electors, Six other Princes, and Two Cities; to which were after added Four Princes more. This continued till *An. 1606.* with some effect. Afterwards it prov'd of little consequence, Court-artifice prevailing, and the *Ferdinand's* found a way to manage the *Deputies*, and render them as unprofitable to the publick, as *Charles the fifth* had made the *Regiment*.

The second *Ferdinand* called what *Deputies* he knew would Vote for him, the rest he excluded, and supplyed their place with others, who he understood were entirely at his devotion, as he told my Lord *Digby*, *Ambassadour* with him, *An. 1621. Lundorp, Tom. 2.*

Amongst these projects, may be mentioned, the Council of the Emperours Court,

Court, and the Privy-Council. These also, that they might show as if the Empire had the interest in them, were at the first sworn to the Elector of *Mentz*, as Arch-Chancellor of the Empire. Which Oath came after some time to be omitted.

Thus we have seen that the Custom of the Empire was to have a yearly Assembly; these at the end of their Session always appointed the time and place for their next meeting. If necessity for them sooner, then was the Emperor to call an Assembly extraordinary; which happening frequently, the States for their ease appointed the *Regiment*, and other expedients.

This gave a President for the Emperors to devise something of the like nature, which they might more easily pervert to their own Arbitrary Interest and advantage. If it have but the name or resemblance, the people look no farther; they see not into the trick and secrets of it; they are led by the appearance so long, till they are past recovery, and no way is left them for a retreat.

And

And indeed the Emperors of the last Age ceased to deal *bona fide*; the old *German* honesty wore out of fashion. And they no longer treated on the square with their people.

Artifice and juggle came in place: and in the days of *Charles* the Fifth, began to get a specious appellation, and be named (forsooth) *Reason of State*.

But more especially, since the Jesuits there have refined upon the Court-sophistry, and minc'd away all the old remains of Morality and Conscience; for the Jesuits could the worst of all other, endure these same *mixt Governments*.

They would have the *Pyramid* inverted, and the whole stress of things rest upon one single leg, that their art might play the more freely, and they the more cleverly trip it down. This broad-bottom'd Monarchy, and Government founded on the people, puts them to other measures; a dose of poyson, or consecrated dagger, will not do the work. They must here go about and about, make slow approaches, ripen a Plot of many years, and draw a long concatenation

nation of Intrigue, ere they can think to compass their design.

When the Commonwealth has but one neck, the Jesuit will have it under his girdle; if not, one blow does thefeat, and his dexterity is admirable.

Therefore in *Germany* the Jesuits have left no stone unturned, for their part, to bring all the Sovereign power from the States to the Emperor. And to that end, of late times the Emperor (whether by their influence upon his Councils or no, is not our enquiry) has employed all the undue practises, and set all engines a-work, to render the publick Assembly useleſs, burthenſome, and odious to the people.

On this foot, care has been taken that some vexatious Tax should be the only result and conclusion of every Session; *Aid against the Turk*, was a constant perpetual pretence; Money the Head of all his Proposals, Money the effect and substance of all his Speeches. This affair once adjusted, other Debates were out of doors, *Grievances* not then longer to be toucht upon, but all adjourn'd to

to another Session. Besides the mischievous devises to embroyl the States amongst themselves, and turn all their heat upon fruitless disputes and altercations.

In the second place, the Electoral Colledge have not been too fair in their respects to the Diet. These could be content that betwixt *Cæsar* and themselves all the matters of State be transacted. And have sometimes accordingly strecht a Text of the *Golden Bull* to serve a turn; and colloqued with him, that he again might be complacent to them; till that amongst them the publick patrimony and common right and Prerogatives of the Empire become engrost in a few hands, and made a spoyl to their unreasonable ambition.

These Electors must every one, under his Hand and Seal, signifie their consent to the Emperor, before he can summon an Assembly of the States.

They got to themselves the making of the Emperor. And now in effect the States cannot meet without their order.

They

They were wont to be reckoned six Electors, to some purposes seven, now they make eight; but before they fill up the number of the *Roman Decemviri*, they will remember their fate. These ten (as *Livy* tells us) having got all the Supreme Authority for a time into their hands, that they might reign absolute, *took an Oath together never to call the Common Council*. Yet their Tyranny held not long. This cheat would not down with the old *Romans*; but with a general indignation they break over the Forms and Captivity of the letter, for that old Law in *Homer*,

*Ἐτοι τοις Θεοῖς αἴρεσθαι τοῖς μάλησ.*

to free their Country from slavery, they executed an *unwarranted* piece of Justice upon these ten Usurpers, or *Ten Tarquins*, as some body then call'd them.

Lastly, the States have not a little been wanting to themselves, in the affair of this their so ancient and fundamental Prerogative. One principal cause (amongst many others) has been their differences about Religion.

For the Protestants being sure to be out-voted in the Dyet, think they can barter with *Caesar* for better conditions. And are therefore well enough content that the yearly Assembly be neglected.

In a word, the *German* Diet is still on foot, rather incumberd, and clogged, and puzzled, than destroyed.

The Parliament of *France* seems quite antiquated and subdued; the Ghost and shadow of the defunct has appeared three or four times since *Lewis* the Eleventh. But to revive that Assembly in its full and perfect vigor, requires a Miracle like the Resurrection.

So that in effect, we may date the demise of the Parliamentary Sovereignty in *France*, from *Lewis* the Eleventh; and the decay of that in *Germany* from *Charles* the Fifth.

It is in *England* onely that the ancient, generous, manly Government of *Europe* survives, and continues in its original lustre and perfection.

Were there not something in that saying of the Emperor *Maximilian*, that  
*the*

the French King is a King of Asses; yet however that same *legerete*, on which the French so value themselves, is but, in plain *English*, a lightness of humour, by the which they are easily piped into a new mode of Government.

But our *English* Ancestors have always been of a more steady principle, more wise, and more weigh'd, than to dance after their Politicks.

The Reformation of Religion leaves no room at our Court for Jesuitical infection, so fatal to the *Germans*.

Nor, on the other hand, have we yet had any *Swisse Guards*, or *Lewisses* for our Kings. Ours have still been true *English* Original, no Copies of the *French*.

*Magna Charta*, instead of being superannuated, renews and recovers its pristine strength, and athletick vigor, by the *Petition of Right*, with our many other explanatory or declaratory Statutes. And the *annual Parliament* is as well known to our Laws, as ever it had been famous amongst the Customs of *France* and *Germany*.

I have not formally answered many Objections that might be started ; nor much regarded the single instances of some Historians ; and perhaps may be judged lame in several particulars that I have slighted.

Take all together, you may as easily find an answer, as raise a scruple. But the short of what I would have said, is,

You are not to expect truth from an *Historiographer Royal* : it may drop from their pen by chance, but the general herd understand not their business ; they fill us with story accidental, incoherent, without end, or side, and never know the Government or policy where they write.

Even the *Records* themselves are not always accurately worded.

The *style* of the *Court*, and a form of words, imposes upon many. *Names* are taken for *things*, Ceremonies for *Essentials*.

The *Civilians* are Vassals to a *Foreign Jurisdiction*. *Cæsar*, the *Sword*, the *Military*, *Imperial* (or rather *Imperial*) *Discipline*, is to them for

Scepter

Scepter and Civil Policy. The Germans, An. 1441. were for excluding them from all Offices, and places of trust. *Limnaeus, l. 1. de jure publ.*

Our common *Lawyers* are for comparing and measuring by their rule, what is antecedent and above their rules and comparisons.

Christ's Kingdom is not of this world; nor ought the Divines ~~οραγματικοί~~, to meddle in this *Political Province*.

In the general notion, Monarchy or Kingly Government is the most easie, and the most excellent. But corruption coming into the world, neither the Sons of *Jupiter*, nor the Sons of *Hercules*, found perfection entayled upon them; nor were exempt from their share of humane frailty. *Many* (says *Tasso*) are servants by fortune, who are naturally Princes; some again, though descended from an hundred Kings, are yet born to be slaves; and (maugre all their high race of Royal Progenitors) will be commanded, and governed, and managed by a Minion, or a Mistress. These are, really and indeed, slaves; but are not judged such, because the

people, who onely look on the outside, judge of mens conditions, as in Plays, where he is call'd a King, who, clad in purple, and glistering with Gold and Gems, does personate Agamemnon: if he does not represent him well, he has the name of King nevertheless; onely 'tis said, *The King was out in his part, or, The King acted his part scurvily.*

And *Flavius Vopiscus*, in *Aurel. Cæs.* tells us, *Aurelius Cæsar dicebat, Colligunt se quatuor aut quinque, atque unum Concilium ad decipiendum Imperatorem capiunt; dicunt quod probandum sit; Imperator qui domi clausus est, vera non novit, cogitur hoc tantum scire, quod illi loquuntur; facit judices quos fieri non oportet; amovet a republicâ, quos debebat retinere, quid multa? ut Dioclesianus ipse dicebat, Banus, cautus, optimus venditur Imperator.*

*Aurelius Cæsar* was wont to say, *Four or five get together about the Emperor; all their consult is, how to cheat him; what they say, is to be Law; the Emperor, who is shut up from other Counsel, never knows the true state of things; but is forced to under-*

understand just so much onely, as they tell him; he makes Judges, who the least of all should be; turns out of Commission those who ought to be the quorum; in a word (according to Dioclesian's saying) the Emperor, so good, so wary, and so too too good, is bought and sold before his face.

If then it be true, that he who is of Royal Extraction, clad in Purple, and called a King, is not always *naturally* such; it was wisdom, certainly most seasonable, to find the means that might correct, and (as it were) ensure *Nature* against the impotence and Tyranny of the Minion or Mistress which *Tasso* mentions.

And if the observation of *Aurelius Cæsar* be just, that *Cabals* are so *pernicious*; and that four or five persons who get the Prince into their hands and possession, shall abuse, and cheat, and betray him to his face, in spite of all his goodness, his caution, and Royal Virtues; if, I say, these things be true, the necessity of Parliaments cannot be disputed. *Homer* reckoned it *barbary* in the degree remotest from all things of

God and goodness, and a Cyclopean presumption to rule without Parliaments.

Old *Hesiod* in his homely way gives an Ænigmatical reproof to those Kings that would be grasping all, and be so absolute,

Ἄντοι καὶ ιστον ὅσῳ πλέον ἡμίου πάρτος,  
εἰδὲ οὐν εἰ μελάχη τε καὶ αἰσθατίλω μηρὶ ὄρεα.

as if he had said, *These fools know not how much more the half is than the whole; and that a shoulder of Mutton, with the love of the people, is more worth than the ragoüst, and the hautgousts, and all the French Kickshaws whatsoever.*

*Plato* tells us, that even in *Asia*, they who performed any great Atchievements, or enlarged the Empire, were those (as the grand *Cyrus*, for example) who slackened the Prerogative, and admitted the people to a share in the Government.

But such as *Cambyses*, who against all sense and reason stretcht and strutted upon the *πατρικὸν*, the *Lordly* domination, brought all again into confusion and ruine.

Amongst the Latins, even the founder

der of the *Roman* name, *Romulus*, because he took upon himself an Arbitrary power, to rule without the Senate, they (it is thought) tore him to pieces, info much, that they left nothing of his body for a spectacle to the rabble; as afterwards their Successors unluckily did, who kill'd *Cæsar*.

The Imperial power that began with the *Cæsars*, was onely *Magnum Latrocinium*, one huge horrid oppression. Military Government, Martial Law, barbarous Nations, *Goths* and *Vandals*, over ran, and made havock of the old Civil *Roman Empire*.

In *Britain*, *Gaul*, and *Germany*, all this while, liberty, and a participation in the Government, was the common right and inheritance unalienable; the *Common Council* was the basis and hinge, however the administration roul'd.

Afterwards, when *Germany* gave us people, it gave us a *German* and a free people.

About *An. Dom. 800*. *Charlemain* (or *Charles* the Great) united *France* and *Germany* under one Head, and one Empire;

pire; all Histories are full of his Reign and Actions: he rul'd *more solenni, secundum morem*, in the old customary Parliamentary way, every where.

The Nations round about submitted and took Laws from him; and he submitted all again to the (*ordinatum*) the Ordinance of Parliament. An *annual Parliament* was then reckoned the Custom, and inviolable right of the people.

And thus the affairs of State proceeded, and this Scheme of Government continued in *Germany*, till the late unhappy divisions about Religion, weakening and embroiling the States, gave way to the *Austrian* ambition, new projects, and Jesuitical artifice; so that the Assembly of the States, at this day, keeps on foot (indeed) but sick, heavy, and unwieldy.

The *French* Court had much sooner learnt the terms *de proprio Motu, & potestate absolutâ*, by their neighborhood and correspondence with the Pope at *Avignon*. But so long as the *English* Arms kept them in mind of their Mortality,

tality, it was no time for them to think of ruling without a Parliament.

But when *Charles the Seventh* had sent home the English, *Lewis the Eleventh*, with (*Olivier le diable*) his Barbars, and his cut-throat devils, thought no attempt too wicked for them. He (forsooth) was *hors du page*; he wanted not to be *led*, he was past an *Infant*; and a lowd outcry he made against the unmannerly, clump-fisted, bumpkin Parliament. But when the *bien publique*, or War for the publick good, hindred him from bringing about his design openly and directly, he compast it, in effect, by slighting the *Militia*, and laying his project of a standing Army.

In *England* we have also heard of *Minions*, and *Mistresses*, and *Cabals*; and have had unhappy *Princes*. But the Laws and old Customs of the Land, the generosity of the people, and the *Genius* of the Nation, have still prevailed, and been too strong for all their practises and machinations.

When the *Normans* came to the Crown, after some years of ease and prosperity,

sperity, they began to forget on what conditions they had entered. *Conquest* was a short, a compendious Title, and without intricacy. And now likewise the Church-men were every where agog for changing the Government both of Church and State, into absolute Monarchy. But the best on't was, the pretences were visible and notorious. Besides that the Temporal and Spiritual, the Prince and the Prelatical Lord could not agree who should be Supreme. Which differences gave breath to the people, and put into their hands an opportunity to assert their ancient just Rights, and bottom all upon the Parliament again.

And now, since the *Great Charter*, and *Petition of Right*, and the many other declarations, what can threaten us?

Neither the *Gunpowder Treason*, nor the late more *sacred* invention of a *Pensioned Parliament*, could take effect.

No room is left amongst us for a standing Army, which enslaved the *French*. And (our *Franc-Archers*) our Militia continues after the old Model,

Nor, with us, as in *Germany*, is the

Papist like to bear up against, and balance our Protestant Votes in Parliament; thereby to render the Constitution useless and unpracticable.

And it may be hoped, we shall never so far give way, and be gull'd by Jesuitical artifice, to find *another division* in Religion amongst us; that may favour their designs, and, under *other names*, do their work as compleatly.

You need not be caution'd to distinguish *Plato the Divine*, from *Plato the Philosopher*. Poets and Divines, you know, have a particular way of expression, and give their thoughts a turn different from that of other people. They attribute every thing to God; though the whole operation and train of caules and proceedings be never so natural and plain before their face, the Images they make are often taken in the grossest sense, and worshipped by the vulgar; and many times the Statesman is willing to contribute to their Idolatry. Hence it comes, that for the *Perians*, Zoroaster was said to receive his Laws from *Hormatis*; *Trismegistus*, for the *Ægyptians*, from

from *Mercury*, *Minos* for the *Cretans* from *Jupiter*; *Charondas* for the *Carthaginians* from *Saturn*, *Lycurgus* for the *Lacedemonians* from *Apollo*; *Draco* and *Solon* for the *Athenians* from *Minerva*, *Numa Pompilius* for the *Romans* from *Ægeria*; *Xamolxis* for the *Scythians* from *Vesta*; and all these as truly, as *Mahomet* had his *Alcoran* from the *Angel Gabriel*.

This sort of Doctrine went currant enough whilst Monkery and Ignorance sat in the Chair; but now in an Age of History and humane Reason, the blind Traditions go hardly down with us. So that *Jure Divino* at this day makes but a very litigious Title.

Nor was it consistent with the brevity of a Letter, to observe minutely how long the remains of the *Roman* domination continued amongst us; as, namely, That the *Roman* was the only authentick Language for judicial matters in *Germany*, till the Reign of *Rudolph* the first, about the year 1287. in *England* till *Edward* the Third, in *France* till *Francis* the First.

But in Church-affairs, that old mark  
of

of slavery is not yet worn off : the spiritual Emperor will remit nothing , he still holds his Vassals to the *Roman* Tongue even in Divine Service ; onely in *England*, and where the Reformation has prevailed , this, with the other appurtenances of *Roman* bondage, are no longer necessary.

Nor is it proper in this general draught to reflect on all the several steps , and little dispositions to change, in each Nation. As how sometimes a practice has prevailed against the form and letter ; sometimes the form of words has been necessary , but the practice obsolete. The use in Commissions of the phrase, *pour en jayr tant qu'il nous plaira* , was not known in *France* till *Lewis* the Eleventh tryed its vertue ; which occasioned their Parliament, *An. 1467.* to ordain that notwithstanding the clause *tant qu'il nous plaira*, Offices should not be voyd save only by death, resignation, or forfeiture ; as *Pasquier* in his *Recherches* informs us.

But peradventure, since it has been so much controverted of late amongst us  
who

who are the *Three States*, and the word occurring so frequently in the *German Tongue*, you may expect some account who they be that have the name of *States in Germany*.

They express the word *States* in their own Language, and call them *Stands*, and *Reich-stands*, because, says *Goldastus*, the Empire stands and rests upon them, as upon its basis and pillars. *Status Imperii dicantur, quod in illis, cœu membris, id est, basibus & columnis, ipsum Imperium stet & subsistat.*

Those are said to be *Stands*, who have the right to sit and *Vote* in the common Assembly of the Empire. *Hi quidem status, Reichs-stands appellantur, ideo, quod statum & locum votandi & sedendi in Comitiis Imperii habent; hæc quippe unicæ & propriæ quasi notæ, status ab aliis Imperii subjectis secernuntur, Arumæus, c. 4. de Comitiis.* So that all the question is, how many several ranks, or distinct orders, there may be of these *Stands*.

From *Polybius* we have had a particular account of mixt Governments, where he calls those that represent the

Mo-

Monarchical, the Aristocratical, and the popular State *τειχισμη τη χρηστητη της πολιτειας*, *The three governing parts of the Commonwealth.* So the King, the Senate, and the *Ephori* at *Sparta*; the Consuls, the Senate, and the Tribunes at *Rome*, were there the *Three States*, and had each their particular shares in the Government.

The like seems to have obtain'd in *France*, under the names of the King, the Peers, and the *Third State*. Nor did the power of the Clergy, how great soever otherwise, make any new distinct Order, but they were mixt and included with the other States; as their Learned Archbishop *Claude Seisselle* in his Treatise of the *French Monarchy*, shows us.

In *Germany* how the Government has been shared, and who have had a right of *Voting* in old times, we may learn from what has before been cited out of *Tacitus*; the *Rex*, the *Principes*, and the *Omnis* denote the *Three States*, who had their several shares, and right of *Voting* in the Government.

The same distinction continued still under the Western Empire. *Hincmar*, at the yearly Assembly, or *generale placitum* under *Charlemain*, does comprehend all under the terms of *Seniores* and *Minores*. So that the Emperor, the *Seniors*, and the Commons, seem to have then been the *Three States*.

*Senior* (which the Germans exprest in their *Ealdermen*) we may suppose, was a word grew currant in the *Provincial*, or vulgar *Roman* about that time ; and afterwards was diversifyed into *Sieur*, and *Sire*, and *Sir*, and *Monsignor*, and *Monsieur*, and was ordinarily applyed to Men in great Office. *Cum Seniori urbis nunciata fuissent, &c. Seniores loci illius, &c. Nihil per me feci, nisi quæ mihi, a Dominis nostris. & Senioribus Imperata sunt, &c. Tempore Senioris nostri, &c. ex parte Senioris mei Caroli, &c.* These and the like passages, in *Gregory Turenensis*, may shew the extent of the word, and that the *Seniores* in *Hincmar*, were the same with the *Principes* in *Tacitus*. Nor did the *Signories* become Hereditary till *Otho* the first his Reign.

But

But what most affected the Government, and proved of greatest consequence in this affair, was the innovations that hapned in *Frederic* the Third his time: for whereas formerly a Proclamation was wont to be issued out, for summoning the Assembly, whereupon, *Delecti ex singulis Civitatibus*, says *Aymoinus*, from every Town and City were chosen the Burgesses and Citizens to go their Representatives to the Assembly; Now so many griev'd at the charge, neglected the Proclamations, that oftentimes the Assembly could not proceed for want of a competent number of Members. Wherefore *Frederic* let the Proclamations alone, and instead thereof, sent particular Letters to the several Towns; and henceforward none took themselves obliged to attend, who had not Letters directed to them. Many of the poorer Towns were glad to be excused, and private Gentlemen left off going: so that within a little time the Government was brought into a few hands, and every day rendered less and less popular. Those Cities that

preserved their share in the Goverment, and right of *Voting*, by continuing to send their Representatives to the Assembly, are now therefore called *Imperial Cities*.

Although the Electoral Princes had a name much sooner, yet were they still one and the same State with the other Princes, till under this *Frederic*, in the Dyet at *Francford*, *An. 1489.* they parted, and became a particular Assembly, and Voted severally, and from that time got the name of a distinct State, and form'd a new sort of an Aristocracie by themselves.

Yet all this while the Clergy did never set up for a separate Order in the Common-wealth, but always made a mixt State with the Layety; mixt they are in the Electoral State, and mixt in that of the Princes, where the *Geistlicher* and *Weltlicher*, Ghostly and worldly (as they call 'um) together with the Counts, Barons, and other Gentlemen, make but one State. They have indeed a particular Bench (*die geistliche Bank*) to sit upon by themselves, save that

that the Arch-Duke of *Austria*, and Duke of *Burgundy*, onely sit upon it above them.

Now whether we fix our Notion of the *Three States* upon the Doctrine of the Ancients, as delivered by *Polybius*; or call them *the States*, who have a *right of Voting*; The Emperour is clearly one of the *States*. Nor is it material that the ordinary stile and form of words seem to imply the contrary: for if the saying, *Emperor and the States*, argues the Emperor himself to be none of the *States*, by the same reason the form so frequent in their *Recesses* or publick Ordinances, *chur fursten, fursten, und Standen*, that is, Elector-Princes, Princes, and States, will exclude the Electors, and the other Princes also, from being either of them *States*.

The Form *Emperor and States*; does no more prove him to be none of the *States*, than with us the saying *King and Parliament*; does imply, that the King is no part of the Parliament.

I shall not trouble you with the disputes, what were the bounders of *Anstrasia*

*Strasburg* and *Newstria*, or whether by the devolution of this Western Empire, *Germany* was added to *France*, or *France* to *Germany*. Or whether more properly *Charlemain* be to be reckoned amongst the *French* or the *Germans*. His having been born at *Ingelsheim*, as most affirm; or at *Carolsburg* in the upper *Bavaria*, as many believe; and his speaking the *German* Tongue, with this testimony of *Eginhardus*, viz. *Mensibus juxta patriam linguam nomina imposuit; cum ante id tempus apud Francos partim Latinis, partim Barbaris nominibus appellarentur, Januarium appellavit Wintermonat, Februarium Horning, Martium Lenkmonat, &c.* These, I say, are urged by the *Germans*, as no mean Arguments. But these matters concern not our enquiry.

If you cannot reconcile the Emperor his being somewhere said to be *Sacri Imperii Minister*, and elsewhere declared to have no Superior, *Nisi Deum & Ensem*, but God and the Sword; *Bartolus* tells you, *De verbis non curat jureconsultus*. The intention is to be regarded before

fore the words. The intention of the States in that Declaration, *An. 1338.* was none other than to exclude the wild pretensions of the Pope ; to deny a Forreign Jurisdiction, not to confess or introduce any new subjection in themselves : *Limitata ex certâ causâ confessio non nisi limitatum producat effectum.*

But I cannot conclude without some reflection on these frauds *a la mode*, the *russe* and *finesse*, which the *French* so loudly boast at this day. *Lewis* the Eleventh would not have his Son learn more Latin than *qui nescit dissimulare, nescit Regnare.* The old *Romans* had another sort of Spirit ; we are told in *Livy*, *Hæc Romana esse. Non versutiarum Punicarum, neque callicitatis Græce--apud quos fallere hostem gloriofius--dolo quam virtute :* 'tis like a *Roman*, to deal openly and roundly ; not to practice the *Carthaginian* *Leger-de-main* tricks, or *Græcian* cunning, whose glory is to circumvent and by fraud not vertue overcome an Enemy.

The *Venetians* at this day are commended for the same style. *Il procedere veramente Regio regli affari publici, il negotiare saldo, e libero, e senza artificio, O duplicita ; non masquerato, non finto, ma sincero, e del tutto alieno da ogni dissimulatione e fallacia.* Their proceedings in publick Affairs, (says our Author) is truly Royal ; they negotiate upon the square, frankly, and without artifice, or double dealing, not disguised, or upon the sham ; but sincere, and every

every way far from all dissembling and tricks.

And indeed the *bugie* and *inganni*, and little *Italian* shifts, would better become Duke *Valentine* and the petty Princes, than any Kingdom or Commonwealth of true strength and solid reputation.

The *opisus* and the *opositor*, the Sophistries and State-pretences of this kind. However furbisht up, and gloss'd over of late by our polt Hick Brokers, were all stale cheats, and worn out even in *Aristotle's* time.

Thus have I hinted matters to you, and onely toucht upon Heads, without anticipating your reflections and applications. I have not treated you like a stranger, but as one thorowly informed before-hand, and to whom all those difficulties are familiar, which I can onely discover at a distance. And after all, I must fly from your judgment, to your good nature.

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**F I N I S.**

